

Senate File 2279

S-5030

1 Amend Senate File 2279 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <Section 1. Section 100B.14, subsections 2, 3, 4,
5 and 9, Code 2014, are amended to read as follows:

6 2. For the purposes of this section:

7 a. "Discipline" means an action by an employer that
8 employs fifty-one more employees in this state against
9 an employee that adversely affects the employee's
10 regular pay to an extent greater than permitted by
11 subsection 5, or the employee's job status, opportunity
12 for promotion, or right to any benefit granted by the
13 employer to other similarly situated employees.

14 b. "Discriminate" means discipline or termination
15 of the employment of an employee by an employer that
16 employs fifty-one or more employees in this state in a
17 manner inconsistent with the employer's treatment of
18 other similarly situated employees who are injured in
19 the course of their employment or related activities.

20 c. "~~volunteer~~ Volunteer emergency services provider"
21 means a volunteer fire fighter as defined in section
22 85.61, a reserve peace officer as defined in section
23 80D.1A, an emergency medical care provider as defined
24 in section 147A.1, or other personnel having voluntary
25 emergency service duties and who are not paid full-time
26 by the entity for which the services are performed in
27 the local service area, in a mutual aid agreement area,
28 or in a governor-declared state of disaster emergency
29 area.

30 3. A public or private employer shall not
31 discipline or terminate the employment of an employee
32 for joining a volunteer emergency services unit
33 or organization, including but not limited to any
34 municipal, rural, or subscription fire department.

35 4. If an employee has provided the employee's
36 public or private employer with written notification
37 that the employee is a volunteer emergency services
38 provider, the employer shall not discipline or
39 terminate the employment of a volunteer emergency
40 services provider who, because the employee was
41 fulfilling performing the employee's duties as a
42 volunteer emergency services provider, is absent from
43 or late to work.

44 9. An employee who is disciplined, discriminated
45 against, or whose employment is terminated in violation
46 of this section may bring a civil action against the
47 employer. The employee may seek reinstatement to the
48 employee's former position, payment of back wages,
49 reinstatement of fringe benefits, and, where seniority
50 rights are granted, reinstatement of seniority rights.

1 If the employee prevails in such an action, the
2 employee shall be entitled to an award of reasonable
3 attorney fees and the costs of the action. An employee
4 must commence such an action within one year after the
5 date of discipline, discrimination, or termination of
6 the employee's employment.>

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